



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, FIRST SESSION

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No. 1

## Senate

The third day of January being the day prescribed by the Constitution of the United States for the annual meeting of the Congress, the Senate assembled in its Chamber at the Capitol for the commencement of the 1st session of the 113th Congress and at 12:01 p.m. was called to order by the Vice President.

The VICE PRESIDENT. The Chaplain will lead the Senate in prayer.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we thank You that we are more than conquerors because You love us. We praise You that today Your conquering spirit has brought our beloved Senator MARK KIRK back to work in these hallowed Halls.

We are grateful that nothing can separate us from Your love, neither death, nor life, nor heights, nor depths, nor any created thing.

Give our Senators today spiritual, intellectual, and physical revitalization, infusing them with Your peace and power. Bless the lawmakers who will take the oath today. Fill them with Your spirit so that their lives will honor You.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The VICE PRESIDENT led the pledge of allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### CERTIFICATES OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fulfill an unexpired term and the certificates of election of 33 Senators for 6-year terms beginning January 3, 2013. All certificates, the

Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there is no objection, the reading of the certificates will be waived and they will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS

*To the President of the Senate of the United States:*

This is to certify that on the sixth day of November, two thousand and twelve Elizabeth A. Warren was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and thirteen.

Witness: His Excellency, the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this twenty-eighth day of November in the year of our Lord two thousand and twelve.

DEVAL L. PATRICK,  
*By His Excellency, the Governor.*

WILLIAM F. GALVIN,  
*Secretary of the Commonwealth.*

[Estate Seal Affixed]

#### STATE OF WISCONSIN

Office of the Governor

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM, UNITED STATES SENATOR, NOVEMBER 6, 2012

*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Tammy Baldwin was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His excellency our governor Scott Walker, and our seal hereto affixed at Madison this 6th day of December 2012.

By the Governor:

SCOTT WALKER,  
*Governor.*

DOUGLAS LAFOLLETTE,  
*Secretary of State.*

[State Seal Affixed]

#### WYOMING

Secretary of State

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November 2012, John Barrasso was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2013.

Witness: His Excellency our governor, Matthew H. Mead, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 15th day of November, in the year of our Lord 2012.

By the governor:

MATTHEW H. MEAN,  
*Governor.*

MAX MAXFIELD,  
*Secretary of State.*

[State Seal Affixed]

#### THE STATE OF OHIO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
U.S. SENATOR

*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November 2012, Sherrod Brown was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2013.

Witness: His excellency our governor, and our seal hereto affixed at Columbus, Ohio, this 7th day of December, in the year of our Lord 2012.

By the governor:

JOHN R. KASICH,  
*Governor.*

JON HUSTED,  
*Secretary of State.*

[State Seal Affixed]

#### STATE OF WASHINGTON

CERTIFICATE OF ELECTION

*To the President of the Senate of the United States:*

This is to certify that at the General Election held in the state of Washington on the 6th day of November, 2012, Maria Cantwell was duly chosen by the qualified electors of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the state of Washington as United States Senator from the State of Washington to represent the state of Washington in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: Her Excellency our Governor Christine Gregoire, and our seal hereto affixed at Olympia, Washington this 5th day of December, 2012.

By the Governor:

CHRISTINE GREGOIRE,  
Governor.

Attest:

SAM REED,  
Secretary of State.

[State Seal Affixed]

THE STATE OF MARYLAND  
Executive Department  
Annapolis, Maryland

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Ben Cardin was duly chosen by the qualified electors of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His Excellency our Governor Martin O'Malley and our seal hereto affixed at the City of Annapolis, this 12th day of December, in the Year of Our Lord 2012.

By the Governor:

MARTIN O'MALLEY,  
Governor.

Attest:

JOHN P. McDONOUGH,  
Secretary of State.

[State Seal Affixed]

STATE OF DELAWARE  
Executive Department  
Dover

*To All Persons To Whom These Presents Shall Come, Greetings:*

Whereas, an election was held in the State of Delaware, on Tuesday, the sixth day of November, in the year of our Lord two thousand twelve, that being the Tuesday next after the first Monday in said month, in accordance with the provisions of the Constitution and Laws of the State of Delaware, in that behalf for the purpose of choosing by ballot a Senator for the people of said State in the United States Senate for the term of six years commencing January 3, 2013.

And Whereas, the official certificates or returns of said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for United States Senate, I have found Thomas R. Carper to be the person highest in vote, and therefore duly elected and chosen United States Senator of this State.

I, The Said Jack A. Markell, GOVERNOR aforesaid, in accordance with the provisions of the Act of the General Assembly of this State in that behalf do hereby, therefore, declare, make known and certify that the said Thomas R. Carper has received the highest vote at the election aforesaid and therefore is the legally elected United States Senator for the State of Delaware.

Given Under My Hand and the Great Seal of the said State, the 5th day of December in the year of our Lord two thousand twelve and in the year of the Independence of the

United States of America two hundred thirty-seven.

By the Governor:

JACK A. MARKELL,  
Governor.  
JEFFREY W. BULLOCK,  
Secretary of State.

[State Seal Affixed]

COMMONWEALTH OF PENNSYLVANIA

Governor's Office

December 10, 2012

*To the President of the Senate of the United States:*

This is to certify that on the sixth day of November, 2012, Bob Casey, Jr. was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 2013.

Witness: His excellency our Governor, Tom Corbett, and our seal hereto affixed at Harrisburg this tenth day of December, in the year of our Lord, 2012.

TOM CORBETT,  
Governor.  
CAROL AICHELE,  
Secretary of the Commonwealth.

[State Seal Affixed]

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify, that on the sixth day of November, 2012, Bob Corker was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2013.

Witness: His Excellency our Governor, Bill Haslam, and our seal hereto affixed at Nashville this fifth day of December, in the Year of our Lord, Two Thousand Twelve.

By the Governor:

BILL HASLAM,  
Governor.  
TRE HARGETT,  
Secretary of State.

[State Seal Affixed]

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Ted Cruz was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 6th day of December, in the year of our Lord 2012.

In Testimony Whereof, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 6th day of December, 2012.

By the Governor:

RICK PERRY,  
Governor.

Attest:

JOHN STEEN,  
Secretary of State.

[State Seal Affixed]

THE STATE OF INDIANA

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

*To the President of the Senate of the United States:*

Be it known by these presents:

Whereas, according to certified statements submitted by the Circuit Court Clerks of the several counties to the Election Division of the Office of the Secretary of State of Indiana, and based upon tabulation of those statements performed by the Election Division, the canvass prepared by the Election Division states that at the General Election conducted on the sixth day of November, 2012, the electors chose Joe Donnelly to serve the People of the State of Indiana as United States Senator from Indiana.

Now, Therefore, in the Name of and by the Authority of the State of Indiana, I Certify the Following in Accordance With Title 2 United States Code Section 1:

This is to certify that on the sixth day of November 2012, Joe Donnelly was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His excellency our Governor Mitchell E. Daniels, Jr., and our seal hereto affixed at Indianapolis, this the twenty-eighth day of November, in the year of our Lord 2012.

By the Governor:

MITCH DANIELS, Jr.,  
Governor.

Attest:

CONNIE LAWSON,  
Secretary of State.

[State Seal Affixed]

STATE OF CALIFORNIA  
Executive Department

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States of America:*

This is to certify that on the 6th day of November, 2012, Dianne Feinstein was duly chosen by the qualified electors of the State of California as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

In Witness Whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of December 2012.

EDMUND G. BROWN, Jr.,  
Governor of California.

Attest:

DEBRA BOWEN,  
Secretary of State.

[State Seal Affixed]

STATE OF NEBRASKA

CERTIFICATION OF ELECTION FOR SIX-YEAR TERM

*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012 Deb Fischer was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His excellency our governor Dave Heineman, and our seal hereto affixed at 2:30 p.m. this 3rd day of December, in the year of our Lord 2012.

By the Governor:

DAVE HEINEMAN,  
Governor.

JOHN A. GALE,

Secretary of State.

[State Seal Affixed]

STATE OF ARIZONA  
Department of StateCERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November 2012, Jeff Flake was duly chosen by the qualified electors of the State of Arizona a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd day of January 2013.

Witness: His excellency the Acting Governor of Arizona, and the Great Seal of the State of Arizona hereto affixed at the Capitol in Phoenix this 3rd day of December 2012.

KEN BENNETT,  
*Acting Governor.*  
JIM DRAKE,  
*Acting Secretary of State.*

[State Seal Affixed]

STATE OF NEW YORK  
Executive Chamber*To the President of the Senate:*

This is to certify that on the sixth day of November, two thousand twelve, Kirsten E. Gillibrand was duly chosen by the qualified electors of the State of New York a Senator from said State to represent the State in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand thirteen.

Witness: His excellency our Governor Andrew M. Cuomo and our seal hereto affixed at Albany, New York, this tenth day of December in the year two thousand twelve.

By the Governor:

ANDREW CUOMO,  
CESAR A. PERALES,  
*Secretary of State.*

[State Seal Affixed]

STATE OF UTAH  
Office of the Lieutenant Governor*To the President of the Senate of the United States:*

This is to certify that on the sixth day of November, 2012, Orrin G. Hatch was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His excellency our governor Gary R. Herbert, and our seal hereto affixed at Salt Lake City, this 26th day of November, in the year of our Lord 2012.

GARY R. HERBERT,  
*Governor.*  
GREG BELL,  
*Lieutenant Governor.*

[State Seal Affixed]

THE CANVASSING BOARD OF THE STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Martin T. Heinrich was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: Her excellency our Governor Susana Martinez and our seal hereto affixed at Santa Fe this 7th day of December, in the year of our Lord 2012.

SUSANA MARTINEZ,  
*Governor.*DIANNA J. DURAN,  
*Secretary of State.*

[State Seal Affixed]

STATE OF NORTH DAKOTA  
Secretary of StateCERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November 2012, Heidi Heitkamp was duly chosen by the qualified electors of the State of North Dakota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2013.

In witness whereof, we have set our hands in the Capitol City of Bismarck this 9th day of November 2012, and affixed the Great Seal of the State of North Dakota.

JACK DALRYMPLE,  
*Governor.*  
ALVIN A. JAEGER,  
*Secretary of State.*  
PENNY MILLER  
*Clerk of the Supreme Court Member State Canvassing Board.*

[State Seal Affixed]

STATE OF NEVADA  
Executive DepartmentCERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of United States:*

This is to certify that on Tuesday, the sixth day of November, 2012, Dean Heller was duly chosen by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Now, therefore, I Brian Sandoval, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, and do hereby Commission him, the said Dean Heller, as a Member of the United States Senate, and authorize him to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 10th day of December, two thousand twelve.

BRIAN SANDOVAL,  
*Governor of the State of Nevada.*  
ROSS MULDER,  
*Secretary of the State of Nevada.*

[State Seal Affixed]

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the sixth day of November, 2012, Mazie Hirono was duly chosen by the qualified election of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the 3rd day of January 2013.

Witness: His excellency our governor, Neil Abercrombie, and our seal hereto affixed at Honolulu this 26th day of November, in the year of our Lord 2012.

By the Governor:

NEIL ABERCROMBIE,  
*Governor.*  
SCOTT T. NAGO,  
*Chief Election Officer.*

[State Seal Affixed]

THE COMMONWEALTH OF VIRGINIA  
CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Timothy Kaine was duly chosen by the qualified electors of the Commonwealth of Virginia to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His Excellency our Governor Robert F. McDonnell and our seal hereto affixed at Richmond, Virginia, this 12th day of December, in the year of our Lord, 2012.

ROBERT F. MCDONNELL,  
*Governor of Virginia.*  
JANET VESTAL KELLY,  
*Secretary of the Commonwealth.*

[State Seal Affixed]

STATE OF MAINE

Greeting:  
*To the President of the Senate of the United States:*

Know Ye, That This is to certify that on the sixth day of November in the year Two Thousand and Twelve, Angus King was duly chosen by the qualified electors of the State of Maine, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and thirteen.

Witness: His excellency our Governor, Paul R. LePage, and our seal hereto affixed at Augusta, Maine this twenty-ninth day of November, in the year of our Lord Two Thousand and Twelve.

By the Governor:

PAUL R. LEPAGE,  
*Governor.*  
CHARLES E. SUMMERS, JR.,  
*Secretary of State.*

[State Seal Affixed]

STATE OF MINNESOTA  
Mark Dayton  
GovernorCERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the sixth day of November, 2012, Amy Klobuchar was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His excellency our governor Mark Dayton, and our seal hereto affixed at Saint Paul, Minnesota this 10th day of December, in the year of our Lord 2012.

By the Governor:

MARK DAYTON,  
*Governor.*  
MARK RITCHIE,  
*Secretary of State.*

[State Seal Affixed]

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the sixth day of November, Two Thousand Twelve, Joe Manchin III was duly chosen by the qualified electors of the State of West Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, Two Thousand Thirteen.

Witness: His excellency our Governor, Earl Ray Tomblin, and our seal hereto affixed at Charleston this tenth day of December, in the year of our Lord, Two Thousand Twelve.

By the Governor:

EARL RAY TOMBLIN,  
Governor.  
NATALIE TENNANT,  
Secretary of State.

[State Seal Affixed]

STATE OF MISSOURI  
Governor of Missouri

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Claire McCaskill was duly chosen by the qualified electors of the State of Missouri a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His Excellency our Governor Jeremiah W. (Jay) Nixon, and our seal hereto affixed at the City of Jefferson this 10th day of December, in the year of our Lord 2012.

By the Governor:

JEREMIAH W. (JAY) NIXON,  
Governor.  
ROBIN CARNAHAN,  
Secretary of State.

[State Seal Affixed]

STATE OF NEW JERSEY  
CERTIFICATE OF ELECTION  
Trenton, New Jersey

*To the President of the Senate of the United States:*

This is to certify that on the sixth day of November 2012, Robert Menendez, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2013.

Given, under my hand and the Great Seal of the State of New Jersey, this seventh day of December two thousand and twelve.

By the Governor:

CHRIS CHRISTIE,  
Governor.

Attest:

KIMBERLY M. GUADAGNO,  
LT. Governor/Secretary of State.

[State Seal Affixed]

STATE OF CONNECTICUT  
Executive Department

This is to Certify that on the sixth day of November, two thousand and twelve Christopher S. Murphy was duly chosen by the qualified electors of the State of Connecticut as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January two thousand and thirteen.

Witness: His Excellency our Governor, Daniel P. Malloy and our seal hereto affixed at Hartford, this thirteenth day of December, in the year of our Lord two thousand twelve.

DENISE MERRILL,  
Secretary of the State.  
DANIEL P. MALLOY,  
Governor.

[State Seal Affixed]

STATE OF FLORIDA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Bill Nelson was duly chosen by

the qualified electors of the State of Florida from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2013.

Witness: His excellency our governor, Rick Scott, and our seal hereto affixed at Tallahassee, the Capital, this 20th day of November, in the year of our Lord 2012.

By the Governor:

RICK SCOTT,  
Governor.  
KEN DETZNER,  
Secretary of State.

[State Seal Affixed]

STATE OF VERMONT  
Office of the Governor

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To The President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Bernie Sanders was duly chosen by the qualified electors of the State of Vermont to be a Senator from Vermont to represent Vermont in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: Governor Peter Shumlin this 13th day of December, 2012.

PETER SHUMLIN,  
Governor.  
JIM CONDOS,  
Secretary of State.

[State Seal Affixed]

STATE OF SOUTH CAROLINA  
CERTIFICATE OF APPOINTMENT

*To the President of the Senate of the United States:*

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of South Carolina, I, Nikki Randhawa Haley, the governor of said State, do hereby appoint Timothy Eugene Scott a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of James Warren DeMint, is filled by election provided by law.

Witness: Her excellency our governor, Nikki Randhawa Haley, and our seal hereto affixed at the capitol in the City of Columbia, State of South Carolina this 2nd day of January, in the year of our Lord 2013.

By the Governor:

NIKKI HALEY,  
Governor.  
MARK HAMMOND,  
Secretary of State.

[State Seal Affixed]

STATE OF MICHIGAN  
Executive Office

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Debbie Stabenow was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Given under my hand and the Great Seal of the state of Michigan this 6th day of December, in the Year of our Lord Two Thousand Twelve.

By the Governor:

RICHARD D. SNYDER,  
Governor.  
RUTH JOHNSON,  
Secretary of State.

[State Seal Affixed]

IN THE NAME AND BY THE AUTHORITY OF THE  
STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM  
TO THE UNITED STATES SENATE

I, Linda McCulloch, Secretary of State of the State of Montana, do hereby certify that Jon Tester was duly chosen on November 6th, 2012, by the qualified electors of the State of Montana as a United States Senator from said State to represent said State in the United States Senate. The six-year term commences on January 3rd, 2013.

Witness: His Excellency our Governor Brian Schweitzer, and the official seal hereunto affixed at the City of Helena, the Capital, this 28th day of November, in the year of our Lord 2012.

By the Governor:

BRIAN SCHWEITZER  
Governor.

Attest:

LINDA MCCULLOCH,  
Secretary of State.

[State Seal Affixed]

STATE OF RHODE ISLAND AND PROVIDENCE  
PLANTATIONS  
State House,

CERTIFICATE OF ELECTION

*To the President of the Senate of the United States:*

This is to certify that on the 6th day of November, 2012, Sheldon Whitehouse was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2013.

Witness: His Excellency our governor Lincoln D. Chafee, and our seal hereto affixed at Providence this 7th day of December, in the year of our Lord 2012.

By the governor:

LINCOLN D. CHAFEE,  
Governor.  
A. RALPH MOLLIS,  
Secretary of State

[State Seal Affixed]

STATE OF MISSISSIPPI  
Office of the Governor

*To the President of the Senate of the United States:*

In the name of the State of Mississippi, I, Phil Bryant, acting under the authority vested in the Governor, upon proper evidence received at the Office of the Secretary of State, do hereby certify that on the 6th day of November, Two Thousand Twelve Roger F. Wicker was duly chosen by the qualified electors of the State of Mississippi a SENATOR from this State to represent the State of Mississippi in the Senate of the United States for the term of six years, beginning on the 3rd day of January, Two Thousand Thirteen.

Given Under My Hand, and our seal affixed hereto, at the City of Jackson, this the 3rd day of December in the year of our Lord, Two Thousand Twelve.

Attest:

PHIL BRYANT,  
Governor.  
C. DELBERT HOSEMAN, Jr.,  
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF  
OFFICE

The VICE PRESIDENT. If the Senators to be sworn in will now present themselves at the desk in groups of

four as their names are called in alphabetical order, the Chair will administer the oath of office.

The clerk will read the names of the first group.

The legislative clerk (Kathleen Alvarez Tritak) called the names of Ms. BALDWIN of Wisconsin, Mr. BARRASSO of Wyoming, Mr. BROWN of Ohio, Ms. CANTWELL of Washington.

These Senators, escorted by Mr. Kohl, Mr. JOHNSON of Wisconsin, Mr. ENZI, Mr. PORTMAN, Mr. GLENN, and Mrs. MURRAY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group.

The legislative clerk called the names of Mr. CARDIN of Maryland, Mr. CARPER of Delaware, Mr. CASEY of Pennsylvania, and Mr. CORKER of Tennessee.

These Senators, escorted by Mr. Sarbanes, Mr. Tydings, Ms. MIKULSKI, Mr. COONS, Mr. Wofford, Mr. TOOMEY, and Mr. ALEXANDER, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group.

The legislative clerk called the names of Mr. CRUZ of Texas, Mr. DONNELLY of Indiana, Mrs. FEINSTEIN of California, and Mrs. FISCHER of Nebraska.

These Senators, escorted by Mr. CORNYN, Mr. Lugar, Mr. Evan Bayh, Mr. Birch Bayh, Mrs. BOXER, Mr. JOHANNES, Mr. Karnes, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. FLAKE of Arizona, Mrs. GILLIBRAND of New York, Mr. HATCH of Utah, Mr. HEINRICH of New Mexico.

These Senators, escorted by Mr. MCCAIN, Mr. Kyl, Mr. SCHUMER, Mr. LEE, Mr. Bingaman, and Mr. UDALL of New Mexico, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group.

The legislative clerk called the names of Ms. HEITKAMP of North Dakota, Mr. HELLER of Nevada, Ms. HIRONO of Hawaii, and Mr. KAINE of Virginia.

These Senators, escorted by Mr. Conrad, Mr. Dorgan, Mr. REID, Mrs. MURRAY, Mr. WEBB, and Mr. WARNER, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group.

The legislative clerk called the names of Mr. KING of Maine, Ms. KLOBUCHAR of Minnesota, Mr. MANCHIN of West Virginia, and Mrs. MCCASKILL of Missouri.

These Senators, escorted by Ms. COLLINS, Vice President Mondale, Mr. FRANKEN, Mr. ROCKEFELLER, Mrs. Carnahan, and Mr. BLUNT, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group.

The legislative clerk called the names of Mr. MENENDEZ of New Jersey, Mr. MURPHY of Connecticut, Mr. NELSON of Florida, and Mr. SANDERS of Vermont.

These Senators, escorted by Mr. REID, Mr. BLUMENTHAL, Mr. RUBIO, and Mr. LEAHY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group.

The legislative clerk called the names of Mr. SCOTT of South Carolina, Ms. STABENOW of Michigan, Mr. TESTER of Montana, and Ms. WARREN of Massachusetts.

These Senators, escorted by Mr. GRAMHAM, Mr. DeMint, Mr. LEVIN, Mr. BAUCUS, and Mr. KERRY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. WHITEHOUSE of Rhode Island and Mr. WICKER of Mississippi.

These Senators, escorted by Mr. REED, Mr. COCHRAN, and Mr. CARDIN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, I note the absence of a quorum and ask the clerk to call the roll.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their name:

[Quorum No. 1 Leg.]

Alexander	Graham	Murphy
Baldwin	Grassley	Murray
Barrasso	Hagan	Nelson
Baucus	Hatch	Portman
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Blunt	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoeven	Roberts
Brown	Isakson	Rockefeller
Cantwell	Johanns	Rubio
Cardin	Johnson (WI)	Sanders
Carper	Kaine	Schatz
Casey	Kerry	Schumer
Cochran	King	Scott
Collins	Kirk	Sessions
Coons	Klobuchar	Shaheen
Corker	Landrieu	Shelby
Cornyn	Leahy	Stabenow
Cruz	Lee	Tester
Donnelly	Levin	Thune
Durbin	Manchin	Toomey
Enzi	McCain	Udall (NM)
Feinstein	McCaskill	Warner
Fischer	McConnell	Warren
Flake	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATE

Alabama—Jeff Sessions and Richard C. Shelby
Alaska—Mark Begich and Lisa Murkowski
Arizona—Jeff Flake and John McCain
Arkansas—John Boozman and Mark L. Pryor
California—Barbara Boxer and Dianne Feinstein
Colorado—Michael F. Bennet and Mark Udall
Connecticut—Richard Blumenthal and Christopher Murphy
Delaware—Thomas R. Carper and Christopher A. Coons
Florida—Bill Nelson and Marco Rubio
Georgia—Saxby Chambliss and Johnny Isakson
Hawaii—Mazi Hirono and Brian Schatz
Idaho—Mike Crapo and James Risch
Illinois—Richard J. Durbin and Mark Kirk
Indiana—Daniel Coats and Joe Donnelly
Iowa—Chuck Grassley and Tom Harkin
Kansas—Jerry Moran and Pat Roberts
Kentucky—Mitch McConnell and Rand Paul
Louisiana—Mary L. Landrieu and David Vitter
Maine—Susan M. Collins and Angus King

Maryland—Benjamin L. Cardin and Barbara A. Mikulski  
 Massachusetts—John F. Kerry and Elizabeth Warren  
 Michigan—Carl Levin and Debbie Stabenow  
 Minnesota—Al Franken and Amy Klobuchar  
 Mississippi—Thad Cochran and Roger F. Wicker  
 Missouri—Roy Blunt and Claire McCaskill  
 Montana—Max Baucus and Jon Tester  
 Nebraska—Deb Fischer and Mike Johanns  
 Nevada—Dean Heller and Harry Reid  
 New Hampshire—Kelly Ayotte and Jeanne Shaheen  
 New Jersey—Frank R. Lautenberg and Robert Menendez  
 New Mexico—Martin Heinrich and Tom Udall  
 New York—Kirsten E. Gillibrand and Charles E. Schumer  
 North Carolina—Richard Burr and Kay R. Hagan  
 North Dakota—Heidi Heitkamp and John Hoeven  
 Ohio—Sherrod Brown and Rob Portman  
 Oklahoma—Tom Coburn and James M. Inhofe  
 Oregon—Jeff Merkley and Ron Wyden  
 Pennsylvania—Robert P. Casey, Jr. and Patrick J. Toomey  
 Rhode Island—Jack Reed and Sheldon Whitehouse  
 South Carolina—Lindsey Graham and Tim Scott  
 South Dakota—Tim Johnson and John Thune  
 Tennessee—Lamar Alexander and Bob Corker  
 Texas—John Cornyn and Ted Cruz  
 Utah—Orrin Hatch and Mike Lee  
 Vermont—Patrick J. Leahy and Bernard Sanders  
 Virginia—Mark R. Warner and Tim Kaine  
 Washington—Maria Cantwell and Patty Murray  
 West Virginia—Joe Manchin, III and John D. Rockefeller, IV  
 Wisconsin—Tammy Baldwin and Ron Johnson  
 Wyoming—John Barrasso and Michael B. Enzi

#### RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I have a number of housekeeping matters I need to take care of with Senator McConnell. Senators are welcome to stay, but I know there are a lot of things going on today—receptions and things of that nature. We are not going to have speeches today. We will have plenty of time to do that at a subsequent time. I doubt we will have any votes. There may be a need for one roll-call vote later on. We will see what happens after the House takes action today, but I hope that is not the case. So having said that, people are welcome to stay or to leave.

#### INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID. Mr. President, I have a resolution at the desk, and I ask that it now be considered.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 1) reads as follows:

##### S. RES. 1

*Resolved*, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The PRESIDENT pro tempore. Can we have order.

The majority leader.

Mr. REID. Mr. President, even though I suggested people need not stay, I would appreciate they be quiet.

The PRESIDENT pro tempore. There will be order in the Senate and in the galleries. The Senate will be in order so the majority leader can be heard.

Mr. REID. I do not like to complain, Mr. President, but all the noise is coming from the Democratic side so—

The PRESIDENT pro tempore. Will the Democratic side be in order.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCONNELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. Pursuant to S. Res. 1, the Chair appoints the Senator from Nevada, Mr. REID, and the Senator from Kentucky, Mr. McCONNELL, as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

#### INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID. Mr. President, I have a resolution at the desk, and I ask that it now be considered.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) reads as follows:

##### S. RES. 2

*Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### PROVIDING FOR THE COUNTING OF ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID. Mr. President, I have a concurrent resolution at the desk, and I ask that it now be considered.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) to provide for the counting on January 4, 2013, of the electoral votes for President and Vice President of the United States.

The PRESIDENT pro tempore. Without objection, the concurrent resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 1) reads as follows:

##### S. CON. RES. 1

*Resolved by the Senate (the House of Representatives concurring)*, That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 4th day of January 2013, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. REID. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The Chair appoints the Senator from New York, Mr. SCHUMER, and the Senator from Tennessee, Mr. ALEXANDER, as tellers on the part of the Senate to count electoral votes.

# EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. REID. Mr. President, I have a concurrent resolution at the desk, and I ask that it now be considered.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

The PRESIDENT pro tempore. Without objection, the concurrent resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 2) reads as follows:

S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. REAUTHORIZATION OF JOINT COMMITTEE.

Effective from January 3, 2013, the joint committee created by Senate Concurrent Resolution 35 (112th Congress), to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States, is continued with the same power and authority provided for in that resolution.

## SEC. 2. USE OF CAPITOL.

Effective from January 3, 2013, the provisions of Senate Concurrent Resolution 36 (112th Congress), to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States are continued with the same power and authority provided for in that resolution.

Mr. REID. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. McCONNELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID. Mr. President, I have a resolution at the desk, and I ask that it now be considered.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 3) reads as follows:

S. RES. 3

*Resolved*, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. REID. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## UNANIMOUS CONSENT REQUESTS

Mr. REID. Madam President, I send to the desk, en bloc, 12 unanimous consent requests, and I ask for their immediate consideration en bloc; that the requests be agreed to en bloc, and that they appear separately in the RECORD.

Before the Chair rules, however, I would like to point out that these requests are routine and done at the beginning of each new Congress. They entail issues such as authorizing the Ethics Committee to meet, authorizing the Secretary to receive reports at the desk, establishing leader time each day, and privileges of the floor for the House Parliamentarians.

The PRESIDING OFFICER. Is there objection to agreeing to these unanimous consent requests en bloc?

Without objection, it is so ordered.

The unanimous consent requests agreed to en bloc are as follows:

1. That for the duration of the 113th Congress, the Ethics Committee be authorized to meet during the session of the Senate;

2. That for the duration of the 113th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7 1/2 minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7 1/2 minutes;

3. That during the 113th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate;

4. That the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal;

5. That the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 113th Congress;

6. That, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed;

7. That the Committee on Appropriations be authorized during the 113th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed;

8. That, for the duration of the 113th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and joint resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions;

9. That for the duration of the 113th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is

authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions;

10. That for the duration of the 113th Congress, Senators be allowed to leave at the desk with the Journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate staff members as space allows;

11. That for the duration of the 113th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day; and

12. That for the duration of the 113th Congress, Senators may be allowed to bring to the desk, bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Mr. REID. Madam President, I ask unanimous consent that the first day for the introduction of bills and joint resolutions in the 113th Congress be Tuesday, January 22, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID. Madam President, there is another concurrent resolution at the desk, and I ask that it be considered at this time.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 3) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 3) reads as follows:

S. CON. RES. 3

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns on any day from Friday, January 4, 2013 through Monday, January 21, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, January 21, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, January 4, 2013, through Saturday, January 5, 2013, on a motion offered pursuant to this concurrent resolution by its



Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, January 14, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. REID. Madam President, I move to consider the vote by which the concurrent resolution was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, thank you very much for your patience.

#### CONVENING THE 113TH CONGRESS

Mr. REID. Madam President, it is my pleasure to convene the 113th Congress. I welcome back all my colleagues to a place that we love, the U.S. Senate.

But in particular, I would like to welcome Illinois Senator MARK KIRK. He has been away from us for a year recovering from an illness. We are all grateful for his recovery. He has been an inspiration to us. Today, on the east front of the Capitol, to see him walk up those steps said it all. So we are very proud of him and glad he is back with us.

I also offer a special welcome to the 13 new Members of the Senate. I am confident that each Senator will treasure their memories in this historic legislative body, and that each will serve their State and our Nation with distinction.

All of the Members of this freshman class are accomplished in their own right. I can remember many years ago—30 years ago, Madam President—being a new Member of the House. Speaker O'Neill called us in, in small groups, to talk to us. And he said to each of us: All of you are accomplished or you would not be here. You are all politicians. It is not a bad word. And I say that to all our Senators—the new Senators—that they are all accomplished or they would not be here, and they should all understand that. They should have confidence in moving into this body because they are just as experienced as the rest of us.

I trust that serving in the Senate will be the most rewarding experience of their lives. In this Chamber the 113th Congress will face the most significant challenges of our careers—not just the new Members, all of us.

To turn those challenges into triumphs, I urge all Senators—new and experienced—to draw not only on our varied experience at every level of government and public service, but also on each other's experience, regardless of political party.

Daniel Webster said: "We are all agents of the same supreme power, the people."

Today, as we begin a new Congress, we are afforded the opportunity to reflect upon the successes and failures of past Congresses.

It has been said that the 112th Congress was characterized by some of the sharpest political divisions in memory. But during the last Congress, there were also many commendable examples of compromise. The recent effort to avert the fiscal cliff was an example of both the divisions and the collaborations that mark a moment in history—and it was a moment in history.

Although the process of resolving some of the fiscal issues facing this country was extremely difficult and protracted, in the end our two parties came together to protect America's middle class. That is something of which we should all be proud.

As we advance the debate over the best way to strengthen our economy and reduce our deficit during this Congress, the 113th, Democrats will continue to stand strong for the principle of balance. I am hopeful and confident my Republican colleagues will do the same.

Any future budget agreements must balance the need for thoughtful spending reductions with revenue from the wealthiest among us and closing wasteful tax loopholes.

The 112th Congress, unfortunately, showed that we had some political differences, and these differences prevented us from accomplishing as much as we had hoped during the Congress that was just completed. But we also passed very important legislation, such as the transportation jobs bill. This was important because it kept 2 million people working, and we began the restoration, with that legislation, of our crumbling infrastructure.

We made strides to reduce the Nation's deficit and prevented a tax increase for 98 percent of American families and 97 percent of small businesses. I guess I should have started, Madam President, by telling everyone that the marks that people see on my face—that has nothing to do with the fiscal cliff or the disagreements that Speaker BOEHNER and I had. It is from being very pale and living in the desert most of my life.

We were able to accomplish, as I indicated, many things to reduce the deficit and prevent a tax increase for American families and small businesses.

We reformed our patent system for the first time in six decades, gave small business owners access to the capital they need to compete, and reauthorized the Federal Aviation Administration, keeping 300,000 workers employed. Not a single piece of that legislation became law without the votes of both Democrats and Republicans. All those legislative initiatives I just talked about were bipartisan.

Unfortunately, many other worthy measures that passed the Senate with strong, bipartisan support then languished, awaiting action by the House

of Representatives. In the 113th Congress, it will be incumbent upon the House Republican leadership to allow bipartisan bills passed by the Senate to come to a vote before the full House of Representatives—not before the Republican Members only but before Democrats and Republicans, all 435 Members of the House. Too many good pieces of legislation died over the last 2 years because House Republican leaders insisted on passing legislation with a majority of the majority; that is, only Republicans. Democrats were ignored most of the time. For example, postal reform, the Violence Against Women Act, the farm bill, and relief for the victims of Hurricane Sandy all passed the Senate on a bipartisan basis after extensive deliberation and debate. Yet the House failed to act on all four of these measures, and there were others.

As Speaker BOEHNER saw on New Year's Day, when he allows every Member of the House to vote and not only Republican Members of the House to vote, Congress can enact bills into law. No legislation can pass the Senate without both Democrats and Republicans. During the 113th Congress, the Speaker should strive to make that the rule of the House of Representatives as well.

Still, it is true that the 112th Congress left much undone. That is why we resolve to pick up where we left off in just a few weeks. The first crucial matter we will address will be the long-overdue aid to victims of Hurricane Sandy. I am hopeful that the House will act, as they said, on the 15th. Then when we get back here, we will move on it very quickly.

We need to strive to be more productive, and we will do little if we don't address a major reason for our inefficiency. Simply, the Senate is not working as it should. That is why in the last Congress I made plain that Democrats would do something to fix those issues.

The beginning of a new Congress is customarily a time that the Senate addresses changes to its rules. In the last Congress, Democratic Senators JEFF MERKLEY, TOM UDALL, TOM HARKIN, and SHELDON WHITEHOUSE made the majority's case for change. I commend these passionate leaders. They have made compelling arguments for reform.

In recent months, Senators on both sides of the aisle set about trying to broker a compromise. This group was led by two of the greatest Senators who ever served in this body, the finest and the best, Democratic Senator LEVIN of Michigan and Republican Senator MCCAIN of Arizona. They worked many hours with a group of six other Senators to come up with something they thought would work better, and I so appreciate their work. But in the waning weeks of the last Congress, Senators were justifiably occupied with other matters, including the fiscal cliff. But I believe this matter warrants additional debate during the 113th Congress, which just started.



Senators deserve additional notice before voting to change Senate rules, so today I will follow the precedents set in 2005 and again in 2011. We will reserve the right of all Senators to propose changes to the Senate rules, and we will explicitly not acquiesce in the carrying over of all the old rules from the last Congress. It is my intention that the Senate will recess today, rather than adjourn, to continue the same legislative day and allow this important rules discussion to continue later this month.

I am confident that the Republican leader and I can come to an agreement that will allow the Senate to work more efficiently. We are going to talk again today. We just haven't had time, with the other things we have been dealing with, to spend enough time together to do this, but we definitely want to move forward to try to make this place work better. I appreciate his willingness to work on this. I will do my very utmost, as I know he will.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### OPENING OF THE 113TH CONGRESS

Mr. MCCONNELL. Madam President, I would like to welcome everybody back after what we all realized was a somewhat abbreviated recess. In fact, I believe you would have to go back to 1970 to find the last time the Senate was in session and voting between Christmas and New Year's.

In particular, I want to welcome back Senator MARK KIRK. He has made a brilliant recovery since suffering a debilitating stroke almost a year ago. The fact that MARK is here today says a lot about his tenacity, his dedication, and his commitment to the people of Illinois.

I am told that about two-thirds of the patients in the facility where he has been recovering over the past year don't return to work, but true to form MARK opted for an experimental rehabilitation program so grueling, it has been compared to military boot camp. His staff counted 45 steps from the parking lot to the front door of the Senate, and during his treatment he made walking those steps his goal. Today he did it. He did it. So we admire him for his spirit, and we applaud his achievement. It is wonderful to have him back and ready to work.

I would also like to welcome the new Members who take their oaths of office today, particularly the four new Members of the Republican conference: Senator FLAKE of Arizona, Senator FISCHER of Nebraska, Senator CRUZ of Texas, and Senator SCOTT of South Carolina. Congratulations to you all. We welcome the energy and intelligence each of you brings to the challenges we face and especially to the transcendent challenge of our time: a Federal debt so

huge, so huge it threatens to permanently alter an economy that has provided generations of Americans the opportunity to fulfill their dreams of a better life.

Four straight years of trillion-dollar deficits and projected spending that no realistic amount of tax revenue could cover have put us at a crossroads. Either we tackle our Nation's spending problem or it is going to tackle us. It is that simple, and there is no better time to do the work we need to do than right now.

The bipartisan agreement we reached earlier this week was imperfect. I am the first to admit it—especially the process. But aside from shielding 99 percent of my constituents and many of yours from the painful effects of a middle-class tax hike—the President seemed all too willing, by the way, to impose that—it gave us something else: It settled the revenue debate for good. The revenue debate is over. President Obama declared the other night that those he calls rich are now paying their “fair share,” so it is time to move on.

The President got his revenue, and now it is time to turn squarely to the real problem, which we all know is spending. We all knew that the tax hikes the President campaigned on were never going to solve the problem. Now that he has gotten them, he has a responsibility to put his preoccupation with taxes behind him and to work with us to actually solve the problem at hand. It is time to face up to the fact that our Nation is in grave fiscal danger—grave fiscal danger—and that it has everything to do with spending.

This is a debate the American people want us to have. The President liked to point out on the campaign trail that most Americans supported the idea of taxing the rich. What he conveniently left out is that even more Americans support the idea of cutting spending. One recent survey I saw said that about three-fourths of all Americans say they want to see major spending cuts in Washington. When you look at some of the things Washington has been wasting their dollars on, it is no wonder. I mean, if we can't stop spending taxpayer dollars on robo-squirrels, dancing robot DJs, or hot air balloon rides for Smokey the Bear, then there is no hope at all because if we can't fix the easy stuff, the robo-squirrels and the robot DJs, the things most of us agree on, how are we ever going to get at the hard stuff?

That is why the first step in this debate is for Democrats to get over their fanatical commitment to guarding every single dime the government ever got its hands on. This has to stop. The best time to stop it is now.

There is actually no better time for this debate. In a couple of months the President will ask us to raise the Nation's debt limit. We cannot agree to increase that borrowing limit without agreeing to reforms that lower the avalanche of spending that is creating this debt in the first place. It is not fair to

the American people, and it is not fair to our children, whom we are asking to foot the bill. The health of our economy requires it, so now is the time to get serious about spending.

If the past few weeks have taught us anything at all, it means the President needs to show up early this time. The American people will not tolerate the kinds of last-minute crises that we have seen again and again over the last 4 years as a result of this President's chronic inactivity and refusal to lead on the pressing issues of our time. We don't need speeches, we need action, and we need it now. We need courage because the only way we are going to address the spending that is at the root of our Nation's fiscal problems is if the President is willing to bring the members of his party to the table and get them to rise above the partisan voices on the left, who treat every single penny of government spending as sacred.

Hopefully, that kind of cooperation will be forthcoming but, if not, we will have several opportunities in the coming months to force the conversation Washington needs to have. The first such opportunity, as I have said, surrounds the President's upcoming request of us to raise the debt ceiling. After that, there is the continuing resolution. But let me be clear, there is no need for drama—no need for drama—and we don't want any. The President knows as well as I do what needs to be done. He can either engage now to significantly cut government spending or force a crisis later. It is his call.

But for the sake of the country we must have this debate now. So today I call on my friend the majority leader and the rest of my Democratic colleagues to start working with us right now—not 1 hour, 1 day, or 1 week before we hit the debt limit but ahead of time for once so we can pass a bipartisan solution on spending that everyone will have an opportunity to weigh in on in early February. We need a plan that can pass the House and actually begin to get Washington spending under control. If we are serious, we will get one done.

With taxes now off the table, the only way to achieve a balanced plan is to focus on the spending side of the equation, particularly, as the President pointed out, health care entitlement programs because, as I said, taxes simply can't go high enough to keep pace with the amount of money we have projected to spend on them without crushing our economy. The best way to reform these programs is to make them work better. The debt isn't exploding because these programs exist, it is exploding because they are inefficient. They were created in a different era—the era of black-and-white TV. They should be updated for the age of the iPad, and we should want to fix them not just because we want to lower the debt but because we want to strengthen and improve these programs themselves.

Over the next few months it will be up to the President and his party to work with us to deliver the same kind of bipartisan resolution on spending that we have now achieved on taxes, but it needs to happen before the eleventh hour. For that to happen, the President needs to show up this time.

The President claims to want a balanced approach. Now that he has the tax rates he wants, his calls for “balance” means he needs to join us in the effort to achieve meaningful spending reform. The President may not want to have this debate, but it is the one he is going to have because the country needs it. Republicans are ready to tackle the spending problem, and we start today.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

#### SENATE RULES CHANGES

S. RES. 4

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I have a resolution for myself, Senator MERKLEY, and Senator HARKIN, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4), to limit certain uses of the filibuster in the Senate to improve the legislative process.

Mr. UDALL of New Mexico. Madam President, I would object.

The PRESIDING OFFICER. The Senator is objecting to further proceeding?

Mr. UDALL of New Mexico. Yes.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

Mr. UDALL of New Mexico. I yield to the Senator from Tennessee for his objection.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, the majority and minority leaders are working together to try to find ways to move bills to the floor and get more amendments. I wish to give them time to complete that work. I therefore object.

The PRESIDING OFFICER. Objection is noted.

Mr. UDALL of New Mexico. I thank the Senator from Tennessee. I know he is working diligently and we have some very positive things happening.

Madam President, as we begin the 113th Congress, I have submitted on behalf of myself and Senators MERKLEY and HARKIN a resolution to amend the Standing Rules of the Senate.

Our proposal to reform the rules is simple, it is limited, and it is fair. Again, we are not ending the filibuster.

We preserve the rights of the minority. We are only proposing the following:

No. 1, an end to the widespread abuse of silent filibusters. Instead, Senators would be required to go to the floor and actually tell the American people why they oppose a bill or nominee in order to maintain a filibuster;

No. 2, debate on motions to proceed to a bill, or to send a bill to conference, would be limited to two hours; and

No. 3, postcloture debate on a nominee—other than a justice to the Supreme Court—would be limited to 2 hours, rather than the current limit of 30 hours.

These are sensible changes. These are reforms we are willing to live with if we are in the minority. And yet, we are warned that these simple reforms will transform the very character of the Senate. Will leave the minority without a voice. These arguments are covers for continued abuse of the rules.

The reforms are modest. Some would say too modest. But they would discourage the excessive use of filibusters. The minority still has the right to filibuster, but not the right to do so by simply making an announcement and then going out to dinner or, more likely, to a fundraiser.

Let me just say again: Senators MERKLEY, HARKIN, and I are not talking about taking away the rights of the minority. We are not abolishing the right to debate or to filibuster.

But there must be change. The unprecedented use, and abuse, of the filibuster and other procedural rules has prevented the Senate from doing its job. We are no longer “the world’s greatest deliberative body.” In fact, we barely deliberate at all.

For most of our history the filibuster was used very sparingly. But, in recent years, what was rare has become routine. The exception has become the norm. Everything is filibustered—every procedural step of the way—with paralyzing effect. The Senate was meant to cool the process, not send it into a deep freeze.

Since the Democratic majority came into the upper chamber in 2007, the Senates of the 110th, 111th, and current 112th Congress have witnessed the three highest totals of filibusters ever recorded. A recent report found the current Senate has passed a record-low 2.8 percent of bills introduced. That is a 66 percent decrease from the last Republican majority in 2005–2006, and a 90 percent decrease from the high in 1955–1956.

I have listened with great interest to the arguments against rules reform by the other side. Each day, my Republican colleagues have come to the floor and made very impassioned statements in opposition to amending our rules at the beginning of the new Congress. They say that the rules can only be changed with a two-thirds supermajority, as the current filibuster rule requires. And they have repeatedly said any attempt to amend the rules by a simple majority is “breaking the rules

to change the rules.” This simply is not true.

The supermajority requirement to change Senate rules is in direct conflict with the U.S. Constitution. Article I Section 5 of the Constitution states that, “Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.” When the Framers required a supermajority, they explicitly stated so, as they did for expelling a member. On all other matters, such as determining the Chamber’s rules, a majority requirement is clearly implied.

There have been three rulings by Vice Presidents, sitting as President of the Senate, on the meaning of Article I Section 5 as it applies to the Senate. In 1957, Vice President Nixon ruled definitively: [W]hile the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

Vice-Presidents Rockefeller and Humphrey made similar rulings at the beginning of later Congresses.

I have heard many of my Republican colleagues quote Senator Robert Byrd’s last statement to the Senate Rules Committee. I was at that hearing, and have great respect for Senator Byrd and know that he was one of the great Senate historians and deeply loved this institution. But we should also consider Senator Byrd’s other statements, as well as steps he took as Majority Leader to reform this body.

In 1979, when others were arguing that the rules could only be amended in accordance with the previous Senate’s rules, Majority Leader Byrd said the following on the floor: There is no higher law, insofar as our Government is concerned, than the Constitution. The Senate rules are subordinate to the Constitution of the United States. The Constitution in Article I, Section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

In addition to the clear language of the Constitution, there is also a long-standing common law principle, upheld in the Supreme Court, that one legislature cannot bind its successors. For example, if the Senate passed a bill with a requirement that it takes 75 votes to repeal it in the future, that would violate this principle and be unconstitutional. Similarly, the Senate of one Congress cannot adopt procedural rules

that a majority of the Senate in the future cannot amend or repeal.

Many of my Republican colleagues have made the same argument. For example, in 2003 Senator JOHN CORNYN wrote in a law review article: Just as one Congress cannot enact a law that a subsequent Congress could not amend by majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by majority vote. Such power, after all, would violate the general common law principle that one parliament cannot bind another.

So amending our rules at the beginning of a Congress is not “breaking the rules to change the rules.” It is reaffirming that the U.S. Constitution is superior to the Senate rules, and that when there is a conflict between them, we follow the Constitution.

I find some of the rhetoric about amending our rules particularly troubling. We have heard comments that any such reforms, if done by a majority, would “destroy the Senate.” Again, I can turn to my Republican colleagues to answer this accusation.

In 2005, the Republican Policy Committee released a memo entitled “The Constitutional Option: The Senate’s Power to Make Procedural Rules by Majority Vote.” Not only does the memo support all of the same arguments I make today in support of reform by a majority, but it also refutes many of the recent claims about how the Senate will be permanently damaged.

In a section of the memo titled, “Common Misunderstandings of the Constitutional Option,” it responds to the misunderstanding that “the essential character of the Senate will be destroyed if the constitutional option is exercised” with the following: When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

What is more important about the Republican memo is the reason they believed a change to the rules by a majority was justified. Back then it was about the filibuster of judicial nominees—and what Republicans saw as a break in longstanding Senate tradition. They claimed they weren’t using the constitutional option as a power grab, but as a means of restoring the Senate to its historical norm.

The memo states the following: The Senate is a relatively stable institution, but its norms of conduct have sometimes been violated. In some instances, a minority of Senators has rejected past practices and bipartisan understandings and exploited heretofore “off limits” opportunities to obstruct the Senate’s business. At other times,

a minority of Senators has abused the rules and precedents in a manner that violates Senators’ reasonable expectations of proper procedural parameters. These are efforts to change Senate norms and practices, but they do not necessarily have the support of a majority.

Such situations create institutional conundrums: what should be done when a mere minority of Senators changes accepted institutional norms? One option is to acquiesce and allow “rule by the minority” so that the minority’s norm becomes the Senate’s new norm. But another option has been for the majority of Senators to deny the legitimacy of the minority Senators’ effort to shift the norms of the entire body. And to do that, it has been necessary for the majority to act independently to restore the previous Senate norms of conduct.

This is exactly where we find ourselves today. Back then, the Republicans argued the constitutional option should be used because 10 of President Bush’s judicial nominees were threatened with a filibuster. I believe the departure from Senate tradition we see today is far worse.

Since Democrats became the majority party in the Senate in 2007, we have faced the highest number of opposition filibusters ever recorded. Lyndon Johnson faced one filibuster during his 6 years as Senate Majority Leader. In the same span of time HARRY REID has faced over 385.

So, as the Republicans argued in 2005, “[a]n exercise of the constitutional option under the current circumstances would be an act of restoration.” We must return the Senate to a time when every procedural step was not filibustered.

But if my Republican colleagues really believe using the constitutional option would be so harmful to the Senate, there is an alternative. We don’t have to reform the rules with only a majority vote. That is up to my colleagues on the other side of the aisle. Each time the filibuster rule has been amended in the past, a bipartisan group of senators was prepared to use the constitutional option. But with the inevitability of a majority vote on the reforms looming, enough Members agreed on a compromise and they passed the changes with two-thirds in favor.

We could do that again this month. I know many of my Republican colleagues agree with me. The Senate is not working. I said 2 years ago that I would push for the same reforms at the beginning of the next Congress—regardless of which party was in the majority.

At the time, many people believed the Democrats would lose their majority. So let me be clear. If Leader MCCONNELL had become the new majority leader today, on the first day of the 113th Congress, I would ask him to work with me on implementing these same reforms.

I will say again. The proposed changes will reform the abuse of the filibuster, not trample the legitimate rights of the minority party. I am willing to live with all of the changes we are proposing, whether I am in the majority or minority.

The other side has suggested that a change in the rules is an affront to the American public. But the real affront would be to allow the abuse of the filibuster to continue.

We have to change the way we do business. We have to govern. It is time for us to pay attention to jobs and the economy and the things that matter to American families. That was the message we were sent in the election, and we would do well to listen to it.

Under the abuse of the current rules, all it takes to filibuster is one senator picking up the phone. Period. It doesn’t even require going on the floor to defend it. Just a phone call by one senator. No muss, no fuss, no inconvenience. Except for the American public. Except for a nation that expects and needs a government that works—a government that actually works together and finds common ground.

Some of my colleagues may believe the Senate is working as it should; that everything is fine. Well, Madam President, we do not take that view. It isn’t working. It needs to change. The American people, of all political persuasions, are clamoring for a government that actually gets something done. The challenges are too great, the stakes are too high, for a government of gridlock to continue.

S. RES. 5

Mr. UDALL of New Mexico. Madam President, on behalf of Senator HARKIN, I have a resolution which I send to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, reserving the right to object, for the reason I just stated, to give the majority and minority leader and other Senators a chance to find ways to help the Senate function fairly and more efficiently, I object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I would also reiterate again that Senator ALEXANDER, and a number of Senators, including Senator MERKLEY and myself, are all working to make sure this is a better place and that it functions better, and we look forward to having the next couple of weeks to do that.

Madam President, I yield for my good friend, who has been working with me on rules from the first day I arrived here.

I yield for the Senator from Oregon.  
The PRESIDING OFFICER. The Senator from Oregon.

S. RES. 6

Mr. MERKLEY. Madam President, I have a resolution which I send to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) to modify extended debate in the Senate to improve the legislative process.

The PRESIDING OFFICER. Is there objection to proceeding to the resolution?

The Senator from Tennessee.

Mr. ALEXANDER. Reserving the right to object, again, the majority and minority leaders are working together with other Senators to try and find ways we can agree upon to assist in the functioning of the Senate. To give them sufficient time to do that, I do object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

The Senator from Oregon.

Mr. MERKLEY. I thank my colleague from Tennessee for the efforts he is putting forth to find ways to make this body truly engage in dialogue and decisionmaking as the American people expect.

S. RES. 7

Mr. MERKLEY. Madam President, on behalf of Senator LAUTENBERG, I have a resolution which I send to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read the resolution as follows:

A resolution (S. Res. 7) to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased.

The PRESIDING OFFICER. Is there objection to proceeding to the resolution?

Mr. ALEXANDER. Madam President, for the reasons I have stated with the other requests for unanimous consent, I do object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I look forward to the dialogue among all the Members on how the Senate can reclaim its important role as a deliberative and decisionmaking body.

I want to thank Senator UDALL for having been so involved in this conversation and helping to drive it forward.

#### TRIBUTES TO DEPARTING SENATORS

HERB KOHL

Mr. SESSIONS. Mr. President, as the year ends, we face the sadness that surrounds the departure of good colleagues. I want to take a minute to ex-

press my pleasure in having the opportunity to know and work with Herb Kohl. We have served 16 years together on the Judiciary Committee and in the Senate. He is one of the most accomplished and courteous members of the Senate. His powerful intellect along with his vast private sector experience have given him valuable insight into the issues of our time. We shared a strong belief in the importance of the Littoral Combat Ship and in the end were both pleased to see that program move forward. As a senior member of the Judiciary Committee, Senator Kohl was a faithful member who had a remarkable ability to win the affection and respect of members. He always sought common ground rather than confrontation. It's been a real pleasure for me to get to know and to work with this remarkable, talented and good man. He has given much to the Senate. My best wishes are extended for this next chapter in his life.

#### TRIBUTE TO STAN LOWE

Mr. BARRASSO. Mr. President, next week in Casper, a member of America's greatest generation will be recognized by the Casper Area Chamber of Commerce for a lifetime of service and leadership. I am honored to tell my colleagues about my friend, R. Stanley Lowe.

In 1943, Stan was in college and had been deferred from the draft because of his studies. But, at age 19, he wanted to do his part to protect our great Nation. He enlisted in the U.S. Merchant Marine. He served on five ships in the Pacific and Atlantic, each voyage lasting several months. Stan became a staff officer, in charge of personnel and payroll. He was also a chaplain and medical officer, called a pharmacist's mate and purser.

Stan served from 1943 to 1946, seeing things that would have a life long impact on him. The Merchant Marine had the highest rate of casualties of any service, dying at a rate of 1 in 26, and Stan was there to help the injured and comfort the dying.

Following his service, he returned to Wyoming to complete his law degree and then practice law in Rawlins. It was there he met the love of his life, Anne "Pat" Kirtland Selden Lowe, while they were skiing. She was remarkable, too. Pat was among the first female geologists—and a scholarship in her name continues to support students pursuing degrees in geology at the University of Wyoming.

Wyoming has benefited immensely from Stan's career. He served in the State House of Representatives and was elected to be the county and prosecuting attorney for Carbon County. He spent the majority of his distinguished career as general counsel for True Oil. In 1985, Stan led a delegation of American lawyers on a goodwill tour to China. The legal profession benefited from his wisdom through his service as counsel for the American Judicature Society.

While practicing law, he never forgot about his service and his fellow veterans. Stan was appointed to the Wyoming Veterans' Affairs Commission by Governor Mike Sullivan in 1991 and upon his retirement he was named chair emeritus. In 2003, Stan was awarded the Civilian Meritorious Service Medal. Stan has led the efforts to expand Wyoming's only Veterans Cemetery. His passion for history paved the ground for the Wyoming Veterans Memorial Museum.

Stan served in supportive and leadership roles in multiple veterans' organizations. Stan is a 3 year district commander of the American Legion. He was recently honored with the title of Honorary Past Department Commander, a title only given four other times in the history of the Wyoming American Legion. Stan continues to highlight veterans events and issues through his weekly article in the Casper Journal and attends almost every troop homecoming and veterans event.

Wyoming's veterans have benefited immensely from Stan Lowe's wisdom and leadership. Stan will turn 90 this year. Wyoming continues to look to Stan as the voice for veterans. My wife, Bobbi, and I are happy to have Stan as our friend, and veterans all over Wyoming are fortunate because Stan chose to serve.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT, 112th CONGRESS

ENROLLED BILLS AND JOINT RESOLUTION  
SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on January 3, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills and joint resolution:

H.R. 443. An act to provide for the conveyance of certain property from the United States to the Manilaq Association located in Kotzebue, Alaska.

H.R. 2076. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

H.R. 4212. An act to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

H.R. 4606. An act to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

H.R. 6029. An act to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

H.R. 6328. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer

unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

H.R. 6586. An act to extend the application of certain space launch liability provisions through 2014.

H.R. 6621. An act to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

S. 2318. An act to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3331. An act to provide for universal intercountry adoption accreditation standards, and for other purposes.

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S.J. Res. 44. Joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills and joint resolution were signed on January 3, 2013, during the recess of the Senate, by the President pro tempore (Mr. LEAHY).

#### MESSAGE FROM THE HOUSE

At 4:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to H. Res. 1, resolving that Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives, and that Paul D. Irving of the State of Florida, be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives, and that Daniel J. Strodel of the District of Columbia, be, and is hereby chosen Chief Administrative Officer of the House of Representatives, and that Father Patrick J. Conroy of the State of Florida, be, and is hereby, chosen Chaplain of the House of Representatives.

The message also announced that the House has agreed to H. Res. 2, resolving that the Senate be informed that a quorum of the House of Representatives has assembled, that JOHN A. BOEHNER, a Representative from the State of Ohio, has been elected Speaker, and Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Thirteenth Congress.

The message further announced that a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

#### MEASURES HELD OVER/UNDER RULE

The following resolutions were read, and held over, under the rule:

S. Res. 4. A resolution to limit certain uses of the filibuster in the Senate to improve the legislative process.

S. Res. 5. A resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

S. Res. 6. A resolution to modify extended debate in the Senate to improve the legislative process.

S. Res. 7. A resolution to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased.

#### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED, 112th CONGRESS

The Secretary of the Senate reported that on January 2, 2013, she had presented to the President of the United States the following enrolled bills:

S. 3454. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building".

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

The Secretary of the Senate reported that on January 3, 2013, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 2318. An act to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3331. An act to provide for universal intercountry adoption accreditation standards, and for other purposes.

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S.J. Res. 44. Joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-1. A communication from the Director of Legal Affairs and Policy, Office of the Federal Register, National Archives, transmitting, pursuant to law, a report relative to the Certificates of Ascertainment of the electors of the President and Vice President of the United States; ordered to lie on the table.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. UDALL of New Mexico (for himself, Mr. MERKLEY, and Mr. HARKIN):

S. Res. 4. A resolution to limit certain uses of the filibuster in the Senate to improve the legislative process; submitted and read.

By Mr. UDALL of New Mexico (for Mr. HARKIN (for himself and Ms. MIKULSKI)):

S. Res. 5. A resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate; submitted and read.

By Mr. MERKLEY:

S. Res. 6. A resolution to modify extended debate in the Senate to improve the legislative process; submitted and read.

By Mr. MERKLEY (for Mr. LAUTENBERG):

S. Res. 7. A resolution to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased; submitted and read.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 1. A concurrent resolution to provide for the counting on January 4, 2013, of the electoral votes for President and Vice President of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 2. A concurrent resolution extending the life of the Joint Congressional Committee on Inaugural Ceremonies; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 3. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 1

*Resolved*, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President

of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

#### SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 2

*Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

#### SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 3

*Resolved*, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

#### SENATE RESOLUTION 4—TO LIMIT CERTAIN USES OF THE FILIBUSTER IN THE SENATE TO IMPROVE THE LEGISLATIVE PROCESS

Mr. UDALL of New Mexico (for himself, Mr. MERKLEY, and Mr. HARKIN) submitted the following resolution; which was submitted and read:

S. RES. 4

*Resolved*,

##### SECTION 1. MOTIONS TO PROCEED.

Paragraph 1 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following new paragraph:

"Other than a motion made during the first 2 hours of a new legislative day as described in paragraph 2 of rule VIII, consideration of a motion to proceed to the consideration of any debatable matter, including debate on any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees. This paragraph shall not apply to motions considered nondebateable by the Senate pursuant to rule or precedent."

##### SEC. 2. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the second undesignated paragraph and inserting the following:

"Is it the sense of the Senate that the debate shall be brought to a close? And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn, except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators voting, a quorum being present, then cloture has been invoked.

"If that question is on disposition of a bill or joint resolution, a resolution or concurrent resolution, a substitute amendment for a bill or resolution, a motion with respect to amendments between the Houses, a con-

ference report, or advice and consent to a nomination or treaty, and if such question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, but less than three-fifths of the Senators duly chosen and sworn (or less than two-thirds of the Senators voting, a quorum being present, in the case of a measure or motion to amend the Senate rules), then it shall be in order for the Majority Leader (or his or her designee) to initiate a period of extended debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, in which case the period of extended debate shall begin one hour later.

"During a period of extended debate, such measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business, except on action or motion by the Majority Leader (or his or her designee).

"During a period of extended debate it shall not be in order for a Senator other than the Majority Leader (or his or her designee) to raise a question as to the presence of a quorum, except immediately prior to a vote or when it has been more than forty-eight hours since a quorum was demonstrated. If upon a roll call it shall be ascertained that a quorum is not present, then the Senate shall adjourn to a time previously decided by order of the Senate or, if no such time has been established, then to a time certain determined by the Majority Leader, after consultation with the Minority Leader.

"During a period of extended debate a motion to adjourn or recess shall not be in order, unless made by the Majority Leader (or his or her designee) or if the absence of a quorum has been demonstrated. Notwithstanding paragraph 1 of rule XIX, there shall be no limit to the number of times a Senator may speak upon any question during a period of extended debate.

"If, during the course of extended debate, the Presiding Officer puts any question to a vote, the Majority Leader (or his or her designee) may postpone any such vote, which shall occur at a time determined by the Majority Leader, after consultation with the Minority leader, but not later than the time at which a quorum is next demonstrated.

"If at any time during a period of extended debate no Senator seeks recognition, then the Presiding Officer shall inquire as to whether any Senator seeks recognition. If no Senator seeks recognition, then the Presiding Officer shall again put the question as to bringing debate to a close (and the Majority Leader or his or her designee may postpone such vote in accordance with the preceding paragraph), which shall be decided without further debate or intervening motion. If that question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, then cloture has been invoked and the period of extended debate has ended. If that question shall be decided in the negative by a majority of Senators voting, a quorum being present, then the period of extended debate has ended.

"If cloture is invoked, then the measure, motion, other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, shall remain the unfinished business to the exclusion of all other business until disposed of."

##### SEC. 3. POST-CLOTURE DEBATE ON NOMINATIONS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking "After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked,

the Senate shall proceed, without any further debate on any question, to vote on" in the fourth undesignated paragraph and inserting "After no more than 30 hours of consideration of the measure, motion, or other matter on which cloture has been invoked, except on the question of advice and consent to a nomination other than a nomination to a position as Justice of the Supreme Court in which case consideration shall be limited to 2 hours, the Senate shall proceed, without any further debate on any question, to vote on".

##### SEC. 4. CONFERENCE MOTIONS.

Rule XXVIII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 1 through 9 as paragraphs 2 through 10, respectively;

(2) redesignating any reference to paragraphs 1 through 9 as paragraph 2 through 10, respectively; and

(3) inserting before paragraph 2, as redesignated, the following:

"1. A nonvisible motion to disagree to a House amendment or insist upon a Senate amendment, to request a committee of conference with the House or to agree to a request by the House for a committee of conference, and to authorize the Presiding Officer to appoint conferees (or to appoint conferees), is in order and consideration of such a motion, including consideration of any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours."

#### SENATE RESOLUTION 5—AMENDING THE STANDING RULES OF THE SENATE TO PROVIDE FOR CLOTURE TO BE INVOKED WITH LESS THAN A THREE-FIFTHS MAJORITY AFTER ADDITIONAL DEBATE

Mr. UDALL of New Mexico (for Mr. HARKIN (for himself and Ms. MIKULSKI)) submitted the following resolution; which was submitted and read:

S. RES. 5

*Resolved*,

##### SECTION 1. SENATE CLOTURE MODIFICATION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yeand-nay vote the question: 'Is it the sense of the Senate that the debate shall be brought to a close?' And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before



the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the majority and minority leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the majority or minority leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

"(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

"(2) Such subsequent motions shall be made in the manner provided by, and subject

to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

## SEC. 2. SPECIAL CONSIDERATION OF AMENDMENTS POSTCLOTURE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided."

## SENATE RESOLUTION 6—TO MODIFY EXTENDED DEBATE IN THE SENATE TO IMPROVE THE LEGISLATIVE PROCESS

Mr. MERKLEY submitted the following resolution; which was submitted and read:

S. RES. 6

*Resolved,*

### SECTION 1. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the second undesignated paragraph and inserting the following:

"Is it the sense of the Senate that the debate shall be brought to a close? And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn, except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators voting, a quorum being present, then cloture has been invoked.

"If that question is on disposition of a bill or joint resolution, a resolution or concurrent resolution, a substitute amendment for a bill or resolution, a motion with respect to amendments between the Houses, a conference report, or advice and consent to a nomination or treaty, and if such question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, but less than three-fifths of the Senators duly chosen and sworn (or less than two-thirds of the Senators voting, a quorum being present, in the case of a measure or motion to amend the Senate rules), then it shall be in order for the Majority Leader (or his or her designee) to initiate a period of extended debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, in which case the period of extended debate shall begin one hour later.

"During a period of extended debate, such measure, motion, or other matter pending

before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business, except on action or motion by the Majority Leader (or his or her designee).

"During a period of extended debate it shall not be in order for a Senator other than the Majority Leader (or his or her designee) to raise a question as to the presence of a quorum, except immediately prior to a vote or when it has been more than forty-eight hours since a quorum was demonstrated. If upon a roll call it shall be ascertained that a quorum is not present, then the Senate shall adjourn to a time previously decided by order of the Senate or, if no such time has been established, then to a time certain determined by the Majority Leader, after consultation with the Minority Leader.

"During a period of extended debate a motion to adjourn or recess shall not be in order, unless made by the Majority Leader (or his or her designee) or if the absence of a quorum has been demonstrated. Notwithstanding paragraph 1 of rule XIX, there shall be no limit to the number of times a Senator may speak upon any question during a period of extended debate.

"If, during the course of extended debate, the Presiding Officer puts any question to a vote, the Majority Leader (or his or her designee) may postpone any such vote, which shall occur at a time determined by the Majority Leader, after consultation with the Minority leader, but not later than the time at which a quorum is next demonstrated.

"If at any time during a period of extended debate no Senator seeks recognition, then the Presiding Officer shall inquire as to whether any Senator seeks recognition. If no Senator seeks recognition, then the Presiding Officer shall again put the question as to bringing debate to a close (and the Majority Leader or his or her designee may postpone such vote in accordance with the preceding paragraph), which shall be decided without further debate or intervening motion. If that question shall be decided in the affirmative by a majority of Senators voting, a quorum being present, then cloture has been invoked and the period of extended debate has ended. If that question shall be decided in the negative by a majority of Senators voting, a quorum being present, then the period of extended debate has ended.

"If cloture is invoked, then the measure, motion, other matter pending before the Senate, or the unfinished business, in relation to which the motion to close debate was offered, shall remain the unfinished business to the exclusion of all other business until disposed of."

## SENATE RESOLUTION 7—TO PERMIT THE SENATE TO AVOID UNNECESSARY DELAY AND VOTE ON MATTERS FOR WHICH FLOOR DEBATE HAS CEASED

Mr. MERKLEY (for Mr. LAUTENBERG) submitted the following resolution; which was submitted and read:

S. RES. 7

*Resolved,*

### SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by—

(1) inserting after the second undesignated subparagraph the following:

"Following the filing of the cloture motion and prior to the cloture vote, as long as the matter on which cloture has been filed remains the pending matter—

"(1) there shall be no dilatory motion, including dilatory quorum calls, in order; and



“(2) if, at any time, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to put the question on cloture as long as any applicable filing deadline for first degree amendments has passed.”; and

(2) inserting after the fifth undesignated subparagraph (after the amendment by paragraph (1)) the following:

“If, at any time after cloture is invoked on an executive nomination or a motion to proceed, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to put the question on which cloture has been invoked.”.

#### SENATE CONCURRENT RESOLUTION 1—TO PROVIDE FOR THE COUNTING ON JANUARY 4, 2013, OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

*Resolved by the Senate (the House of Representatives concurring),* That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 4th day of January 2013, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter “A”; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

#### SENATE CONCURRENT RESOLUTION 2—EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. REAUTHORIZATION OF JOINT COMMITTEE.

Effective from January 3, 2013, the joint committee created by Senate Concurrent Resolution 35 (112th Congress), to make the

necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States, is continued with the same power and authority provided for in that resolution.

#### SEC. 2. USE OF CAPITOL.

Effective from January 3, 2013, the provisions of Senate Concurrent Resolution 36 (112th Congress), to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States are continued with the same power and authority provided for in that resolution.

#### SENATE CONCURRENT RESOLUTION 3—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 3

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns on any day from Friday, January 4, 2013 through Monday, January 21, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, January 21, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, January 4, 2013, through Saturday, January 5, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, January 14, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MERKLEY. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate, at 1:08 p.m., recessed subject to the call of the Chair and reassembled at 4:08, when called to order by the Presiding Officer (Mr. SANDERS).

#### EXECUTIVE COMMUNICATIONS—ASCERTAINMENT OF THE ELECTORS FOR PRESIDENT AND VICE PRESIDENT

The PRESIDING OFFICER. The Chair lays before the Senate communications from the Director of the National Archives, transmitting, pursuant to the law, certified copies of the final ascertainment of the electors for President and Vice President, which are ordered to lie on the table.

The majority leader.

#### ORDERS FOR FRIDAY, JANUARY 4, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 12:30 p.m. tomorrow, Friday, January 4, 2013; that following the prayer and pledge, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate recess for the joint session for the counting of electoral votes to elect Barack Obama President.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, Senators will gather at 12:45 p.m. tomorrow to proceed together to the joint session.

#### RECESS UNTIL 12:30 P.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 4:09 p.m., recessed until Friday, January 4, 2013, at 12:30 p.m.

#### NOMINATIONS RETURNED TO THE PRESIDENT

Thursday, January 3, 2013

The following nominations transmitted by the President of the United States to the Senate during the 112th Congress, and upon which no action was had at the time of the adjournment of the 112th Congress, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

WALTER G. SECADA, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2016.

## BROADCASTING BOARD OF GOVERNORS

JEFFREY SHELL, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2015.

JEFFREY SHELL, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.

## CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

RICHARD J. ENGLER, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

## CONSUMER PRODUCT SAFETY COMMISSION

MARIETTA S. ROBINSON, OF MICHIGAN, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010.

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2015.

## DEPARTMENT OF DEFENSE

ERIC KENNETH FANNING, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE.

FREDERICK VOLLRAATH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARILYN B. TAVENNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.

WILLIAM B. SHULTZ, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

## DEPARTMENT OF JUSTICE

ANDREW L. TRAVER, OF ILLINOIS, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

GARY BLANKINSHIP, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

SYLVIA M. BECKER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2013.

DEREK ANTHONY WEST, OF CALIFORNIA, TO BE ASSOCIATE ATTORNEY GENERAL.

TIMOTHY J. FEIGHERY, OF NEW YORK, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2015.

## DEPARTMENT OF STATE

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (ENERGY RESOURCES).

ROSE EILENE GOTTEMÖLLER, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

## DEPARTMENT OF THE INTERIOR

MARCILYNN A. BURKE, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

VINCENT G. LOGAN, OF NEW YORK, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR.

## DEPARTMENT OF THE TREASURY

CHRISTOPHER J. MEADE, OF NEW YORK, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

BIBIANA BOERIO, OF PENNSYLVANIA, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS.

## DEPARTMENT OF VETERANS AFFAIRS

CONSTANCE B. TOBIAS, OF MARYLAND, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS.

## ELECTION ASSISTANCE COMMISSION

MYRNA PEREZ, OF TEXAS, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2011.

MYRNA PEREZ, OF TEXAS, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2015.

THOMAS HICKS, OF VIRGINIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2013.

## ENVIRONMENTAL PROTECTION AGENCY

KENNETH J. KOPCIS, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

JAMES J. JONES, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

JENNY R. YANG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2017.

## EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL A. BOTTICELLI, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

## FEDERAL LABOR RELATIONS AUTHORITY

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2017.

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2014.

## FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2017.

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT F. COHEN, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2018.

## HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

VICKI MILES-LAGRANGE, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2015.

MICHAEL WAYNE HAIL, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017.

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BIDTAH N. BECKER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2018.

## INTERNATIONAL MONETARY FUND

BEN S. BERNANKE, OF NEW JERSEY, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS.

## JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

MARTIN O'MALLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2018.

MARTIN O'MALLEY, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER 5, 2012.

## LEGAL SERVICES CORPORATION

ROBERT JAMES GREY, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014.

JOHN GERSON LEVI, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014.

LAURIE I. MIKVA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013.

MARTHA L. MINOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014.

GLORIA VALENCIA-WEBER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014.

## MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

CHARLES P. ROSE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING APRIL 16, 2017.

ANNE J. UDALL, OF OREGON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2016.

## NATIONAL COUNCIL ON DISABILITY

FERNANDO TORRES-GIL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AGNES GUND, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016.

SURAVI GANGOPADHYAY, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016.

LUIS HERRERA, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014.

SUZANNE E. THORIN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2015.

CHARLES BENTON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013.

CHRISTIE PEARSON BRANDAU, OF IOWA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016.

NORBERTO JESUS CASTRO, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016.

DOROTHY KOSINSKI, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

RANEE RAMASWAMY, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018.

ERIC J. JOLLY, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2016.

SUSANA TORRUELLA LEVAL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2015.

JOHN UNSWORTH, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

OLGA VISO, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018.

## NATIONAL INSTITUTE OF BUILDING SCIENCES

TIMOTHY HYUNGROCK HAAHS, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2014.

## NATIONAL LABOR RELATIONS BOARD

LAKE E. SOLOMON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD. SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014.

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016.

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

## NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2014.

NICHOLAS CHRISTOPHER GEALE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2015.

## NATIONAL SCIENCE FOUNDATION

ARTHUR BIENENSTOCK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016.

## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2012.

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2018.

## SOCIAL SECURITY ADMINISTRATION

HENRY J. AARON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2014.

MARIE F. SMITH, OF HAWAII, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2016.

## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

DONNA MARY MURPHY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

## TENNESSEE VALLEY AUTHORITY

MARILYN A. BROWN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2017.

## THE JUDICIARY

ROSEMARY MARQUEZ, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

KEVIN A. OHLSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

PATTY SHWARTZ, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

RICHARD GARY TARANTO, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

ROBERT E. BACHARACH, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

WILLIAM J. KAYATTA, JR., OF MAINE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT.

JILL A. PRYOR, OF GEORGIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

ELISSA F. CADISH, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

BRIAN J. DAVIS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

RAINEY RANSOM BRANDT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

SHELLY DECKERT DICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA.

SRICANTH SRINIVASAN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

WILLIAM H. ORRICK, III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

KATHERINE POLK FAILLA, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

TROY L. NUNLEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

SHERI POLSTER CHAPPELL, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

MARK A. BARNETT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

PAMELA KI MAI CHEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

CAITLIN JOAN HALLIGAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

JENNIFER A. DORSEY, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

ANDREW PATRICK GORDON, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

MICHAEL J. MCSHANE, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON. KETANJI BROWN JACKSON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

NELSON STEPHEN ROMAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

ROBERT D. OKUN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

VALERIE E. CAPRONI, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

KENNETH JOHN GONZALES, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

RAYMOND P. MOORE, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

BEVERLY REID O'CONNELL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

WILLIAM L. THOMAS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

ANALISA TORRES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

DERRICK KAHALA WATSON, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.

CLAIRE R. KELLY, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

NITZA I. QUINONES ALEJANDRO, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

LUIS FELIPE RESTREPO, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

JEFFREY L. SCHMEHL, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

#### UNITED NATIONS

JOAN M. PRINCE, OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

FED R. DINTERSMITH, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CHERYL SABAN, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

#### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

ALFREDO J. BALSERA, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2014.

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

F. SCOTT KIEFF, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2020.

#### UNITED STATES POSTAL SERVICE

KATHERINE C. TOBIN, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016.

JAMES C. MILLER, III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2017.

STEPHEN CRAWFORD, OF MARYLAND, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2015.

#### UNITED STATES SENTENCING COMMISSION

CHARLES R. BREYER, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2015.

#### IN THE AIR FORCE

AIR FORCE NOMINATION OF COL. DAVID W. STICKLEY, TO BE BRIGADIER GENERAL.

AIR FORCE NOMINATION OF COLONEL RICKY J. LOCASTRO, TO BE BRIGADIER GENERAL.

AIR FORCE NOMINATION OF COLONEL ROBERT C. BOLTON, TO BE BRIGADIER GENERAL.

AIR FORCE NOMINATION OF COL. NATHANIEL S. REDDICKS, TO BE BRIGADIER GENERAL.

AIR FORCE NOMINATION OF COL. ROBERT J. BECKLUND, TO BE BRIGADIER GENERAL.

AIR FORCE NOMINATION OF BRIG. GEN. JAMES C. WITHAM, TO BE MAJOR GENERAL.

AIR FORCE NOMINATIONS BEGINNING WITH COLONEL RICHARD W. KELLY AND ENDING WITH COLONEL JILL J. NELSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH COLONEL STEPHEN E. RADER AND ENDING WITH COLONEL RANDALL A. SPEAR, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2012.

#### IN THE ARMY

ARMY NOMINATION OF BRIG. GEN. JOSEPH C. CARTER, TO BE MAJOR GENERAL.

ARMY NOMINATIONS BEGINNING WITH COL. JOHN M. CHO AND ENDING WITH COL. JEFFREY B. CLARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2012.

ARMY NOMINATION OF BRIG. GEN. JOHN L. GRONSKI, TO BE MAJOR GENERAL.

ARMY NOMINATION OF COL. MARION GARCIA, TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF GEN. DAVID M. RODRIGUEZ, TO BE GENERAL.

ARMY NOMINATION OF LT. GEN. JOHN F. CAMPBELL, TO BE GENERAL.

ARMY NOMINATION OF COLONEL ERIK C. PETERSON, TO BE BRIGADIER GENERAL.

#### IN THE COAST GUARD

COAST GUARD NOMINATION OF RADM STEVEN E. DAY, USCGR, TO BE REAR ADMIRAL.

#### IN THE NAVY

NAVY NOMINATION OF CAPT. DEBORAH P. HAVEN, TO BE REAR ADMIRAL (LOWER HALF).

NAVY NOMINATION OF CAPT. TIMOTHY W. DORSEY, TO BE REAR ADMIRAL (LOWER HALF).

#### IN THE ARMY

ARMY NOMINATION OF ROBERT H. MCCARTHY III, TO BE COLONEL.

ARMY NOMINATION OF JASON R. PURVIS, TO BE MAJOR.

ARMY NOMINATION OF BURTON C. GLOVER, TO BE LIEUTENANT COLONEL.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF R. DOUGLASS ARBUCKLE.

FOREIGN SERVICE NOMINATION OF GEOFFREY W. WIGGIN.

FOREIGN SERVICE NOMINATION OF SCOTT S. CAMERON. FOREIGN SERVICE NOMINATIONS BEGINNING WITH SHARON LEE CROMER AND ENDING WITH MARIA RENDON LABADAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

FOREIGN SERVICE NOMINATION OF DANIEL MENCOS HIRSCH.